

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:)
)
Retention by Broadcasters of) MB Docket No. 04-232
Program Recordings)

TO: The Commission

COMMENTS OF HE'S ALIVE BROADCASTING ASSOCIATION

He's Alive Broadcasting Association ("HABA") offers the following comments in response to the FCC's Notice of Proposed Rulemaking in Docket 04-232. HABA is the licensee of low power television station KHBA-LP, Spokane, Washington.

We are a low power television station that has extremely limited resources. We are in opposition to this proposal. Although the intent is good, we believe there is a "punish everyone for the indiscretions of a few" implication with this type of ruling.

We would propose that if a program is questionable in nature based on the guidelines put in front of broadcasters already, and complaints are received when it is broadcast, stations airing it should be required to record and retain copies of all future programs in that specific program series (example, Buffy the Vampire Slayer, Howard Stern...) for a period of six months. The producers should be required to provide copies of all previous programs aired that season. The rationale is that if the program producer has gone to those extremes once, there probably is another questionable episode on the horizon.

We do believe the stations should be responsible for what they air. However, the "content creators" should be accountable as well. If you play that scenario out, it comes down to producers, directors and writers who create and develop the shows for the broadcasters that may,

or have come under scrutiny.

We believe this is feasible, on a "per incident bases." Those stations that are in the business of airing what some might call "high risk programming" will bear the burden. Stations that never receive a complaint concerning their programming will be free of this burden.

If this proposal were implemented, I estimate that the costs for our small station would be the following:

Tape costs: a minimum of \$4000 yr. Basis-4 vhs @ \$3.00 ea. = \$12 day x 365 days = \$4380.

Labor to program/archive/maintain database/tape storage: Approx. \$20,000

Only labor-\$10hr. avg. x 3 hrs.per day= \$30 x 365 =\$10,950

Machines-replace/repair per yr. Est.= \$1000-\$1500 yr

Misc. expenses: \$2000+

For a station such as ours this is a nearly unsurmountable yearly amount with the EXTREMELY limited resources available to us. HABA asks that the Commission not impose such an unnecessary expense on small broadcasters such as our organization.

Respectfully submitted,

HE'S ALIVE BROADCASTING ASSOCIATION

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